



Docket No.: KCC-19,203

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeffrey Jennings KRUEGER, et al.

Serial No.: 10/729,881

Filing Date: 05 December 2003

Title: LOW-DENSITY, OPEN-CELL, SOFT,  
FLEXIBLE, THERMOPLASTIC,  
ABSORBENT FOAM AND METHOD  
OF MAKING FOAM

Customer No.: 35844

Group No.: 1711

Examiner:  
Irina Sopjia Zemel

INTERVIEW SUMMARY

**Mail Stop AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Applicants' attorney thanks the Examiner for the courtesy of the telephone interview on 07 December 2006. Foam Samples 5, 6, 25, 26 and 32 (forwarded with the Amendment dated 09 November 2006) were discussed. Sample 26 (made using 20% high impact polystyrene) was brittle and broke when bent. Sample 5 (made using 10% Kraton 61657 styrene-based thermoplastic elastomer) is also brittle, due to the low elastomer content. Sample 6 (containing 20% of the styrene-based thermoplastic elastomer) is somewhat soft and flexible, but has a low open-cell content of 45%. Sample 25 (containing 20% of the styrene-based thermoplastic elastomer) has a higher

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Date

Mary J. Bates

Signature

open-cell content of 87%, and is more soft and flexible than Sample 6. Sample 32 (containing 49% of the styrene-based thermoplastic elastomer) is the softest and most flexible of the five samples.

The amended claims have been drafted to include only those foam materials that are soft, flexible and absorbent. High impact polystyrene has been excluded from the claims because it produces a rigid foam, even at the 20% level. Levels of thermoplastic elastomer below 20% have also been excluded from the claims. Foams having an open-cell content below 55% have been excluded from the claims. Of the five samples submitted, only Samples 25 and 32 are within the suspect of the claims.

The amended claims have also been drafted to plainly distinguish over the prior art. Federico (U.S. Patent 6,093,751) is distinguished because it discloses adding high impact polystyrene to meat trays (which are conventionally stiff) and does not disclose adding any of the elastomer in Applicants' claims. Miller (U.S. Patent 6,268,046) is distinguished because the foams disclosed are closed-cell foams and they contain less than 10% elastomer.

Favorable action on the merits is respectfully requested.

Respectfully submitted,



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